

SENATE No. 156

The Commonwealth of Massachusetts

PRESENTED BY:

Michael W. Morrissey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act further regulating pawn shops.

PETITION OF:

NAME:

Michael W. Morrissey

DISTRICT/ADDRESS:

Norfolk and Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT FURTHER REGULATING PAWN SHOPS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 140 of the General Laws is hereby amended by striking out section 70, as
2 so appearing, and inserting in place thereof the following section: - Section 70. No person shall carry on
3 the business of a pawnbroker unless licensed to do so by the police commissioner of Boston, or by the
4 governing body of the city or town where he or she carries on his business, subject to sections two
5 hundred and two to two hundred and five, and said commissioner or governing body may revoke such
6 licenses at pleasure.

7 Any person who carries on the business of a pawnbroker shall record information pertaining to
8 every transaction, including but not limited to the name, address and date of birth of the person offering
9 an article, the estimated value of the article, the price paid for the article, a full description of the article
10 including all distinguishing marks and numbers, and the time and date of the transaction, and shall not
11 accept an article unless the person offering it shows an identification card bearing the person's
12 photograph. The pawnbroker or any employee thereof, shall photograph the person offering an article,
13 and shall photograph the articles offered. Said transaction information and the photographs of the person
14 and the article or articles being offered, and shall transmit the information and photographs electronically
15 on the date of the transaction, using a system specified by the secretary of public safety, and shall retain
16 on the licensed premises a printed copy of the transaction information and photographs as part of his

17 records. All information gathered or transmitted in any manner by pawnbrokers pursuant to this section
18 shall be available to any law enforcement officer at any time for any reason, and no pawnbroker or person
19 offering any article to a pawnbroker shall have an expectation of privacy concerning any information
20 about the transaction, including but not limited to any photographs taken.

21 Any person offering any article for sale who provides a wrong name, address or date of birth, or
22 shows false, forged or counterfeit identification shall be punished by a fine of not more than one thousand
23 dollars or by imprisonment for not more than six months. A police officer may arrest without a warrant
24 any person whom he has probable cause to believe has provided a wrong name, address or date of birth,
25 or has shown false, forged or counterfeit identification as described above. Any pawnbroker who
26 knowingly records or transmits false information about a transaction shall be fined not more than one
27 thousand dollars for the first offense, and upon a second offense, shall be fined not more than two
28 thousand dollars and his license shall be revoked, and he shall not be permitted to conduct the business of
29 a pawnbroker in the commonwealth for one year.

30 The secretary of public safety shall have the authority to promulgate regulations relative to
31 pawnbrokers and to the licensing of said persons and shops.

32 SECTION 2. Section 73 of said chapter 140, as so appearing, is hereby amended by striking out,
33 in lines 1 and 2, the words "The chief of police of a city, the selectmen of a town, any officer authorized
34 by either of them, or a state" and inserting in place thereof the following word: - "A".

35 SECTION 3. Section 75 of said chapter 140, as so appearing, is hereby amended by striking out,
36 in line 5, the words "fifty dollars" and inserting in place thereof the following words: - "two hundred
37 dollars for the first offense, and by a fine of not more than five hundred dollars for each subsequent
38 offense".

39 SECTION 4. Section 76 of said chapter 140, as so appearing, is hereby amended by striking out,
40 in lines 1 and 2, the words " , in any city or in any town of ten thousand or more inhabitants,".

41 SECTION 5. Said chapter 140 is hereby further amended by striking out section 79, as so
42 appearing, and inserting in place thereof the following section: - Section 79. Every person who carries on

the business of a pawnbroker shall at the time of making a loan record information pertaining to every transaction, including but not limited to the name, address and date of birth of the person pawning an article, the estimated value of the article, the amount of money loaned thereon, the rate of interest to be paid on such loan, a full description of the article including all distinguishing marks and numbers, and the time and date of the transaction, and shall not accept an article unless the person offering it shows an identification card bearing the person's photograph. The pawnbroker or any employee thereof shall photograph the person offering an article in pawn, and shall photograph the articles being pawned. Said transaction information and the photographs of the person pawning the article or articles and of the article or articles pawned, and shall transmit the information and photographs electronically on the date of the transaction, using a system specified by the secretary of public safety, and shall retain on the licensed premises a printed copy of the transaction information and photographs as part of his records. All information gathered, recorded or transmitted in any manner by pawnbrokers pursuant to this section shall be available to any law enforcement officer at any time for any reason, or to the licensing authority of any city or town or their designee, and no pawnbroker or person pawning any article shall have an expectation of privacy concerning any information about the transaction, including but not limited to any photographs taken.

Any person offering any article for pawn who provides a wrong name, address or date of birth, or shows false, forged or counterfeit identification shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months. A police officer may arrest without a warrant any person whom he has probable cause to believe has provided a wrong name, address or date of birth, or has shown false, forged or counterfeit identification as described above. Any pawnbroker who knowingly records or transmits false information about a transaction shall be fined not more than one thousand dollars for the first offense, and upon a second offense shall be fined not more than two thousand dollars and his license shall be revoked, and he shall not be permitted to conduct the business of a pawnbroker in the commonwealth for one year.

68 The secretary of public safety shall have the authority to promulgate regulations relative to pawnshops,
69 the licensing of pawnshops and to persons who carry on the business of pawnbrokers.

70 SECTION 6. Section 81 of said chapter 140 is hereby repealed.

71 SECTION 7. Section 83 of said chapter 140 is hereby repealed.

72 SECTION 8. Section 84 of said chapter 140 is hereby repealed.

73 SECTION 9. This act shall take 180 days after its passage.